

101 Rec'd PCT/PTO 29 JUN 2001  
9/807647

DO/3/64 PCT (10-00)

Approved for use through 10/31/2002, OMB 0651-0034

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
2560 USOP

First named inventor: Oi, Satoru

International (PCT) Application No.: PCT/JP99/05754      U.S. Application No.: 09/807647

Filed: April 16, 2001

(if known)

Title: 1,5-Benzodiazepine Compounds, Their Production and Use

RECEIVED

03 AUG 2001

Loyal Staff  
International Division

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.
- Other that small entity - fee \$ 1240 (37 CFR 1.17(m))

**2. Proper reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s) in the form of  
Request and Authorization for Commissioner to Charge Deposit Account for all Fees (identify type of reply)):

- has been filed previously on April 16, 2001.  
 is enclosed herewith.

11/02/2001 UEDUVIJE 00000050 500799 09807647

01 FC:141 1240.00 CH

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

June 28, 2001

Date



Signature

Mark Chao Reg. No. 37,293

Typed or printed name

For: Customer No. 23,115

Address

Takeda Pharmaceuticals North America, Inc.

Sutie 500, 475 Half Day Road

Lincolnshire, IL 60069

Enclosures:  Response

Fee Payment

Terminal Disclaimer Form

Response to Notice of Abandonment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/807647	Art Unit:	tba
Filed:	April 16, 2001	Examiner:	tba
1 <sup>st</sup> Inventor:	Oi, Satoru	Allowed:	
For:	1,5-Benodiazepine Compounds, Their Production and Use	Batch:	
Atty. Dkt. No.	2560 US0P	Paper No.:	

**Request to Revive Application and Reply to Holding of Abandonment**

ATTN: PCT LEGAL STAFF  
BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Abandonment mailed June 26, 2001, Applicants respectfully request that the holding of abandonment be withdrawn and the application revived, because the transmittal letter which accompanied the application requested the Commissioner to charge the filing to Deposit Account No. 500799, and there were sufficient funds in said account to cover the fees to be charged.

**I. Facts**

**1) The Transmittal Letter Requested that Fees be charged to the Deposit Account**

The transmittal letter clearly stated on the second page that:

B.  Please charge my Deposit Account No. 500799 in the amount of \$980.00 to cover the above fees. A duplicate of this sheet is enclosed.

C.  The Commissioner is hereby Authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500799. A duplicate copy of this sheet is enclosed.

The second page of the transmittal letter concludes with the typed signature of Philippe Y. Riesen, Reg. No. 35,657 and Mark Chao, Ph.D., Reg. No. 37, 293. A copy of the Transmittal Letter is attached as Exhibit A.

This typed signature constitutes authorization to charge the deposit account.

## **2) The Assignment Recordation Cover Sheet**

The application was filed together with the executed assignments of the applicants, and an Assignment Recordation Cover Sheet authorizing the commissioner to charge fees to Deposit Account No. 500799. This contained the written and typed signature of Mr. Philippe Y. Riesen. A copy of the Assignment Recordation Sheet is attached as Exhibit B.

The recordation fee of \$40.00 was in fact charged to the deposit account on April 19, 2001, as shown on the attached copy of the monthly statement (Exhibit C).

## **3) Deposit Account 500799 had sufficient funds to cover the requested fees**

As shown on the copy of the monthly statement for Deposit account No. 500799 (Exhibit C), on April 14, 2001 there was \$38,050.00 balance and on April 18, 2001 there was a balance of \$36,404.00. After the account was charged \$40.00 for the Assignment Recordation fee filed with this application on April 19, 2001, there was a balance of \$36,364.00 remaining in the deposit account. It is clear that Deposit Account 500799 had sufficient funds to cover the requested fees.

## **4) The Return Postcard Itemized List**

The copy of the return postcard (Exhibit D) clearly shows that it was itemized that two copies of the transmittal letter/authorization to charge deposit account was sent to the USPTO. Thus the second copy was enclosed as per statements B and C of the transmittal letter.

## **5) Authorization by Written Signature on Certificate of Mailing**

The transmittal letter was filled attached to a certificate of mailing under 37 CFR 1.10, that has the written signature of Gail Winokur.

Gail Winokur is specifically authorized to charge USPTO fees to the Deposit Account No. 500799 by Mark Chao, Reg. No. 37,293 an attorney of record, in all USPTO applications and correspondence. This written signature also constitutes sufficient authorization.

A copy of the Certificate of Mailing is attached as Exhibit E.

### **5) Authorization was Verifiable**

The inventor's signed declaration clearly states their Post Office Address as Takeda Chemical Industries, Ltd. (IPD) 17-85, Jusohonmachi 2-chome, Yodogawa-ku, OSAKA 532-8686 JAPAN. This signed declaration clearly demonstrates that the inventors and the owner of Deposit Account No. 500799 are acting together.

The Recordation Cover Sheet, filed attached together with the application and authorizing the charging of fees to Deposit Account No. 500799 clearly demonstrate the intent and authorization to charge fees to the deposit account. The signed declaration, identification and typed signature of the registered attorney representing the client, and Recordation Cover Sheet verifies the intent and fact of an authorization to charge the deposit account for the fees.

A copy of the Executed Declaration is attached as Exhibit F.

## **II Argument**

There is no statutory requirement, or regulation that requires a written signature on a Transmittal Letter. A typed signature is sufficient.

Under 37 CFR 1.25(b), the only requirement to allow a request to charge a basic filing fee to a deposit account is that there be "sufficient client funds are on deposit to cover such fees." As demonstrated by Exhibit B, on April 16, 2001, there were sufficient funds in Deposit Account No. 500799 to cover the requested fee charges.

The USPTO should have charged the required fees to Deposit Account No. 500799 as requested by the transmittal letter.

In the recent case of *Helfgott & Karas P.C. v. Dickinson* (54 USPQ2d 1425, Fed. Cir. 2000), the Federal Circuit, in holding that the Commissioner acted arbitrarily and capriciously in dismissing plaintiff's petition to correct errors, stated that:

"Sound judgment, flexibility, and the careful following of considered processes are critical to ensuring that small mistakes do not become large ones, and that mistakes of form do not overwhelm the correctness of substance."

### **III      Prayer for Relief**

Applicants request that the holding of abandonment be withdrawn, and the case as filed be reinstated with the benefit of the original filing date.

In the alternative, Applicants grant that the petition to revive this application for patent, unintentionally abandoned, be granted and the case as filed be reinstated with the benefit of the original filing date.

The Commissioner is hereby still Authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 500799.

Respectfully submitted,



Dated: June 29, 2001

Philippe Y. Riesen, Reg. No. 35,657  
Mark Chao, Ph.D., Reg. No. 37,293  
Attorney for Applicants  
Customer No. 23115

Phone: (847) 383-3372

101 Rec'd PCT/PTO 29 JUN 2001

09/807647

# Exhibit A

TO-1390  
2-29-99

U.S. PATENT AND TRADEMARK OFFICE

U.S. DOCKET NUMBER  
2560, USP

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO. PCT/JP99/05754	INTERNATIONAL FILING DATE October 19, 1999	PRIORITY DATE CLAIMED October 20, 1998
TITLE OF INVENTION 1,5-Benzodiazepine Compounds, Their Production and Use		
APPLICANT(S) FOR DO/EO/US Satoru Oi et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)). \*
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
- A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information:
  - 1) Sequence Listing (Paper & Computer-readable copies)
  - 2) Sequence Listing Statement

\* This includes specification 221 total pages, including  
Claims 1-18 (9 pgs), Abstract (1 pg), and Sequence  
listing (4 pgs).

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/JP99/05754	ATTORNEY'S DOCKET NUMBER 2560US0P		
17. <input checked="" type="checkbox"/> The following fees are submitted:		<b>CALCULATIONS PTO USE ONLY</b>		
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) :</b>				
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$970.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$860.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$690.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00				
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> \$ 860.00				
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).      \$				
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	
Total claims	18	- 20 = 0	X \$18.00	\$ 0.00
Independent claims	4	- 3 = 1	X \$ 80.0	\$ 80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>			\$ 940.00	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			\$	
<b>SUBTOTAL =</b>			\$ 940.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).      +			\$	
<b>TOTAL NATIONAL FEE =</b>			\$ 940.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property      +			\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>			\$ 980.00	
			<b>Amount to be refunded:</b>	\$ .
			<b>charged:</b>	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.				
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 500799 in the amount of \$ 980.00 to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500799. A duplicate copy of this sheet is enclosed.				
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>				
<b>SEND ALL CORRESPONDENCE TO:</b> Customer No. 23,115				
Philippe Y. Riesen, Reg. No. 35,657 Mark Chao, Ph.D., Reg. No. 37,293				
Date: April , 2001				

# **Exhibit B**

# **Exhibit C**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office



Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

TAKEDA CHEMICAL INDUSTRIES, LTD  
INTELLECTUAL PROPERTY DEPARTMENT  
17-85 JUSO HONMACHI 2 CHOME

YODOGAWAKU, OSAKA                    532-8686

FINA



Account No.	500799
Date	4-30-01
Page	1

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
4	2	01	29	09403414	2460USOP	116	390.00	44104.00
4	3	01	184	09284362	2462USOP	142	1240.00	42864.00
4	3	01	185	09284362	2462USOP	561	9.00	42855.00
4	5	01	135	09254446	2426USOP	142	1240.00	41615.00
4	5	01	136	09254446	2426USOP	561	9.00	41606.00
4	5	01	277	09806652	2555USOP	970	860.00	40746.00
4	5	01	278	09806652	2555USOP	966	252.00	40494.00
4	5	01	279	09806652	2555USOP	964	160.00	40334.00
4	5	01	280	09806652	2555USOP	581	40.00	40294.00
4	11	01	78	09367896	2466USOP	116	390.00	39904.00
4	11	01	289	09807081	2559USOP	970	860.00	39044.00
4	11	01	290	09807081	2559USOP	966	54.00	38990.00
4	11	01	291	09807081	2559USOP	964	80.00	38910.00
4	11	01	292	09807081	2559USOP	581	40.00	38870.00
4	12	01	117	09403429	2535USOP	115	110.00	38760.00
4	12	01	118	09403429	2535USOP	179	710.00	38050.00
4	18	01	162	09807599	2566USOP	970	860.00	37190.00
4	18	01	163	09807599	2566USOP	966	396.00	36794.00
4	18	01	164	09807599	2566USOP	964	240.00	36554.00
4	18	01	165	09807599	2566USOP	581	40.00	36514.00
4	19	01	98	09331460	2444USOP	115	110.00	36404.00
4	19	01	165	09807647	2560USOP	581	40.00	36364.00
4	23	01	29	09807806	2561USOP	970	860.00	35504.00
4	23	01	30	09807806	2561USOP	966	630.00	34874.00
4	23	01	31	09807806	2561USOP	964	320.00	34554.00
4	23	01	32	09807806	2561USOP	968	270.00	34284.00
4	23	01	33	09807806	2561USOP	581	40.00	34244.00
4	24	01	163	09341803	2461USOP	179	710.00	33534.00
4	25	01	281	09830141	2567USOP	970	860.00	32674.00
4	25	01	282	09830141	2567USOP	966	126.00	32548.00
4	25	01	283	09830141	2567USOP	964	240.00	32308.00
4	25	01	284	09830141	2567USOP	581	40.00	32268.00
4	26	01	10	09331460	2444USOP	126	180.00	32088.00
4	27	01	47	09806652	2555USOP	964	-160.00	32248.00
4	27	01	48	09806652	2555USOP	966	180.00	32068.00
4	27	01	49	09806652	2555USOP	968	270.00	31798.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.				OPENING BALANCE 44494.00	TOTAL CHARGES 12856.00	TOTAL CREDITS 160.00	CLOSING BALANCE 31798.00	

\*\*\* O.D. INDICATES OVERDRAWN

101 Rec'd PCT/PTO 29 JUN 2001  
09/807647

FORM PTO-1595 (modified)  
(Rev. 6-93)

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

OMB No. 0651-0011(exp. 4/94)

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Satoru OI, Nobuhiro SUZUKI and Takahiro MATSUMOTO

Additional name(s) of conveying party(ies) attached? No

3. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other \_\_\_\_\_

Execution Date: March 12, 2001 and March 21, 2001

2. Name and address of receiving party(ies):

Name: TAKEDA CHEMICAL INDUSTRIES, LTD.

Internal Address:

Street Address: 1-1, Doshomachi 4-chome, Chuo-ku

City: Osaka, Country: Japan Zip: 541-0045

Additional name(s) & address(es) attached? No

4. Application number(s) or patent number(s):

Title: 1,5-Benzodiazepine Compounds, Their Production and Use

If this document is being filed together with a new application, the execution date of the application is : March 12, 2001 and March 21, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Customer No. 23,115

6. Total number of applications and patents involved: 1

Street Address: \_\_\_\_\_

7. Total fee (37 C.F.R. §3.41). . . . . \$40.00

City: \_\_\_\_\_ Country: \_\_\_\_\_ Zip: \_\_\_\_\_

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 500799

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Philippe Y. Riesen (No. 35,657)

Name of the Person signing

Signature

April 11, 2001

Date

Total number of pages including cover sheet, attachment, and document: 3

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

# **Exhibit D**

Express Mail Label # : EL 784119258US Docket # : 2560US0P  
Applicants : Satoru OI et al. Date : 4/16/01

Title : "1,5-Benzodiazepine Compounds, Their Production and Use"

Kindly acknowledge receipt of the accompanying:

- 1) This PTO Return Receipt Postcard
- 2) Transmittal letter (2 pgs X 2)
- 3) A Translation of the International Application into English  
[This includes Specification 221 total pages, including Claims 1-18 (9 pgs.),  
Abstract (1 pg.), and Sequence Listing (4 pgs.)]
- 4) Executed Declaration
- 5) Information Disclosure Statement with PTO form 1449, and copies of  
IDS citations (6), and the International Search Report
- 6) Executed Assignment and assignment cover sheet (and one copy of the  
cover sheet)
- 7) Sequence Listing Statement
- 8) Sequence Listing (Paper & Computer-readable copies)

**09/807647**

Express Mail Label # : EL 784119258US Docket # : 2560US0P  
Applicants : Satoru OI et al. Date : 4/16/01

Title : "1,5-Benzodiazepine Compounds, Their Production and Use"

Kindly acknowledge receipt of the accompanying:

- 1) This PTO Return Receipt Postcard **JC07 Rec'd PCT/PTO 16 APR 2001**
- 2) Transmittal letter (2 pgs X 2)
  - 3) A Translation of the International Application into English  
[This includes Specification 221 total pages, including Claims 1-18 (9 pgs.),  
Abstract (1 pg.), and Sequence Listing (4 pgs.)]
  - 4) Executed Declaration
  - 5) Information Disclosure Statement with PTO form 1449, and copies of  
IDS citations (6), and the International Search Report
  - 6) Executed Assignment and assignment cover sheet (and one copy of the  
cover sheet)
  - 7) Sequence Listing Statement
  - 8) Sequence Listing (Paper & Computer-readable copies)

# **Exhibit E**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.:	tba	Art Unit:	tba
Filed:	tba	Examiner:	tba
1 <sup>st</sup> Inventor:	Satoru OI	Allowed:	
For:	1.5-Benzodiazepine Compounds, Their Production and Use	Batch:	
Atty. Dkt. No.	2560 USOP	Paper No.:	

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

**USPS EXPRESS MAIL LABEL. No. EL 784119258 US**

**DATE IN: April 16, 2001**

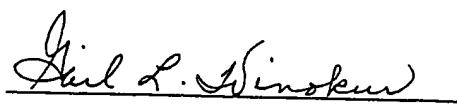
**Itemized Papers/Items:**

1. This certificate and a Return Receipt Postcard (2 pgs.)
2. Transmittal Letter for Filing under 35 USC 371 (2 pgs. X 2)
3. English Translation of the International Application as filed in Japanese [This includes Specification 221 total pages, including Claims 1-18 (9 pgs.), Abstract (1 pg.) and Sequence Listing (4 pgs.)]
4. Executed Declaration/Power of Attorney (4 pgs.)
5. Information Disclosure Statement (2 pgs.) with PTO form 1449 (1 pg.), and copies of IDS citations (6), and the International Search Report (2 pgs.)
6. Executed Assignment (2 pgs.) and assignment cover sheet (1 pg. X 2)
7. Sequence Listing Statement (1 pg.)
8. Sequence Listing (Paper & Computer-readable copies) (2 pgs.)

The undersigned hereby certifies that the above itemized papers are together being deposited with the Express Mail Post Office to Addressee service of the United States Postal Service (USPS) in an envelope with sufficient postage, having the USPS Express Mail Label No. shown above, and addressed to:

BOX PCT  
Commissioner for Patents  
Washington, D.C. 20231.

on this date, 4/16/01.

  
Gail L. Winokur

Dated:

Gail L. Winokur

EL784119258US

# **Exhibit F**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**09/807647**

Application No.: 09/807,647  
 Filed: April 16, 2001  
 1<sup>st</sup> Inventor: S. OI  
 For: 1,5-Benodiazepine Compounds, Their Production and Use  
 Atty. Dkt. No. 2560 USOP

Art Unit: tba  
 Examiner: tba  
 Allowed:  
 Batch:  
 Paper No.:

**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10****USPS EXPRESS MAIL LABEL. No. EL 792688450 US****DATE IN: June 29, 2001****Itemized Papers/Items:**

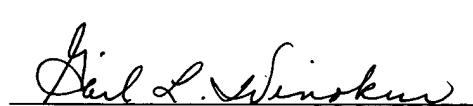
1. This certificate and a Return Receipt Postcard (2 pgs.)
2. Transmittal Form (1 pg.)
3. Fee Transmittal Form (1 pg. X 2)
4. Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pgs.)
5. Request to Revive Application and Reply to Holding of Abandonment and Exhibits(20 pgs.)

The undersigned hereby certifies that the above itemized papers are together being deposited with the Express Mail Post Office to Addressee service of the United States Postal Service (USPS) in an envelope with sufficient postage, having the USPS Express Mail Label No. shown above, and addressed to:

BOX PCT  
 Commissioner for Patents  
 Washington, D.C. 20231.

on this date, 6/29/01

Dated:

  
Gail L. Winokur

Please type a plus sign (+) inside this box → 

09/807,647

PTO-65B/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

Application Number

09/807,647

Filing Date

04/16/2001

First Named Inventor

Oi, Satoru

Group Art Unit

tba

Examiner Name

tba

Attorney Docket Number

2560 US0P

**ENCLOSURES (check all that apply)** Fee Transmittal Form Fee Attached Amendment / Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 Assignment Papers  
*(for an Application)* Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) \_\_\_\_\_ After Allowance Communication  
to Group Appeal Communication to Board  
of Appeals and Interferences Appeal Communication to Group  
*(Appeal Notice, Brief, Reply Brief)* Proprietary Information Status Letter Other Enclosure(s) *(please identify below):*  
Return Postcard.

Remarks

The Commissioner is Hereby Authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 500799.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name

Mark Chao, PhD, JD Reg. No. 37,293

Signature



Date

6/29/01

**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 

Typed or printed name

Mark Chao, PhD, JD Reg. No. 37,293

Signature



Date

6/29/01

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101 Rec'd PCT/PTO 29 JUN 2001

09/807645

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number	09/807,647
Filing Date	04/16/2001
First Named Inventor	Oi, Satoru
Examiner Name	tba
Group Art Unit	tba
Attorney Docket No.	2560 USOP

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **500799**Deposit Account Name **Takeda Chemical Indus. Ltd** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

 Check  Credit card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	1240
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) _____				

SUBTOTAL (2) (\$ 860.00)

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1240.00)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Mark Chao, PhD, JD	Registration No. (Attorney/Agent)	37,293	Telephone	(847) 383-3372
Signature				Date	6/28/01

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TOTAL AMOUNT OF PAYMENT (\$)

**Complete if Known**

Application Number	09/807,647
Filing Date	04/16/2001
First Named Inventor	Oi, Satoru
Examiner Name	tba
Group Art Unit	tba
Attorney Docket No.	2560 USOP

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **500799**Deposit Account Name **Takeda Chemical Indus. Ltd** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

 Check     Credit card     Money Order     Other
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
<i>NATIONAL PATENT</i>		<b>BASIC FEE</b>		<b>SUBTOTAL (1) (\$)</b>	<b>860.00</b>

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
18	-20** =		
4	-3** =	1	860.00
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b> <b>860.00</b>		

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
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126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)****(\$)** **1240.00****SUBMITTED BY****Complete if Known**

Name (Print/Type)	Mark Chao, PhD, JD	Registration No. (Attorney/Agent)	37,293	Telephone	(847) 383-3372
Signature				Date	6/29/01

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